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No. 363

EXPORT CONTROL ACT OF 1949

JUNE 23, 1965.—Ordered to be printed

Mr. ROBERTSON, from the Committee on Banking and Currency,
submitted the following

R E P O R T

[To accompany H.R. 7105]

The Committee on Banking and Currency, to whom was referred the bill (H.R. 7105) to provide for continuation of authority for regulation of exports, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSES OF THE BILL

The enactment of the proposed legislation will serve three principal purposes. First, it will extend the Export Control Act of 1949 for 4 additional years. Second, it will authorize the administrative imposition of civil monetary penalties not exceeding \$1,000 for violations of the act. Third, it will furnish the administration with clear legal authority to protect American business firms from competitive pressures to become involved in foreign trade conspiracies against countries friendly to the United States.

PREVIOUS LEGISLATION

The Export Control Act of 1949 (Public Law 11, 81st Cong., 63 Stat. 7; 50 app. U.S.C. 2021), approved February 26, 1949, codified and reenacted the previous laws which had enabled the executive branch to regulate exports, beginning with section 6 of the act of July 2, 1940 (54 Stat. 714). The original Export Control Act of 1949 ran to June 30, 1951. It was extended to June 30, 1953, by Public Law 33, 82d Congress (65 Stat. 43), to June 30, 1956, by Public Law 62, 83d Congress (67 Stat. 62), to June 30, 1958, by Public Law 631, 84th Congress (70 Stat. 407), to June 30, 1960, by Public Law 85-466 (72 Stat. 220), to June 30, 1962, by Public Law 86-464 (74

Stat. 130), and to June 30, 1965, by Public Law 87-515, 87th Congress (76 Stat. 127).

THE EXPORT CONTROL ACT OF 1949

The Export Control Act of 1949 authorizes the President to prohibit or to curtail the exportation from the United States, its territories, or possessions of any articles, materials, or supplies, including technical data. Rules and regulations may be issued, which may apply to financing, transporting, or other servicing of exports or participation therein, to the extent necessary to achieve effective enforcement. The act declares it to be the policy of the United States to use export controls—

to the extent necessary (a) to protect the domestic economy from the excessive drain of scarce materials and to reduce the inflationary impact of abnormal foreign demand; (b) to further the foreign policy of the United States and to aid in fulfilling its international responsibilities; and (c) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States.

The Congress further declares that it is the policy of the United States to formulate, reformulate, and apply such controls to the maximum extent possible in cooperation with all nations with which the United States has defense treaty commitments, and to formulate a unified commercial and trading policy to be observed by the non-Communist-dominated nations or areas in their dealings with the Communist-dominated nations.

The Congress further declares that it is the policy of the United States to use its economic resources and advantages in trade with Communist-dominated nations to further the national security and foreign policy objectives of the United States.

The act directs the agency exercising the authority to seek information and advice from executive departments and independent agencies concerned in the exports; to use private competitive trade channels as far as practicable; and to consult with all branches of the trade concerned. Fines and imprisonment are provided for violation of the act or of any regulation, order, or license issued under it. The act includes investigatory powers; a provision for confidential treatment of information received under it; an exemption from all but section 3 of the Administrative Procedure Act; and a requirement that quarterly reports be made to the Congress.

The committee and the Congress have been kept informed of the activities of the executive branch under the Export Control Act of 1949 by these quarterly reports of the Secretary of Commerce, of which the most recent is the 71st quarterly report, dated May 15, 1965, covering the 1st quarter of 1965.

ADMINISTRATION OF EXPORT CONTROLS

The principal functions of the President under the act have been delegated to the Secretary of Commerce. This delegation was reiterated in Executive Order 10945 of May 24, 1961. Coordination of

these controls with other agencies and with other governments is obtained through a number of communities and groups.

Within the U.S. Government, three principal committees have been established to assist the Secretary of Commerce in carrying out his functions. (1) The Operating Committee consists of top staff level representatives of the Departments of Agriculture, Commerce, Defense, Interior, State, and Treasury, and of the Federal Aviation Agency, the National Aeronautics and Space Administration, the Atomic Energy Commission, and the Office of Emergency Planning. The chairman of the Operating Committee is the executive secretary of the Advisory Committee on Export Policy, who makes recommendations to the Assistant Secretary of Commerce for Domestic and International Business on the basis of information provided by the group. (2) The Advisory Committee on Export Policy consists of representatives of the same departments as the Operating Committee, but at a rank no less than Assistant Secretary or Deputy Assistant Secretary; the Assistant Secretary of Commerce for Domestic and International Business is the Chairman of the Advisory Committee. (3) The Export Control Review Board was established by President Kennedy by Executive Order 10945 of May 24, 1961. The Secretary of Commerce is Chairman, and the Secretaries of Defense and State are also members. Other departments or agencies may participate when appropriate.

In addition to these special committees, matters relating to export control and the administration of the Export Control Act may come before the National Security Council.

Coordination of U.S. export control policies with those of Western Europe, Canada, and Japan is obtained through a consultative group and a coordinating committee (also called Cocom) established in 1949 and 1950, in which the following countries participate: United States, Belgium, Canada, Denmark, France, Greece, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Turkey, United Kingdom, and West Germany.

THE COMMODITY CONTROL LIST

The principal mechanism used by the Department of Commerce in administering its export control authority is a list of all commodities exported from the United States which is called the Commodity Control List. The export control applicable to each commodity on this Commodity Control List; i.e., whether a validated license is required for exportation to a particular destination or whether exportation is authorized under a general license, may be determined by reference to letter symbols representing different country groups set opposite each entry in the list.

If the country group symbol for a particular country is set forth opposite the commodity a validated license is required for its exportation to any country in that group. If the country group symbol is not set forth opposite the commodity, exportations may be made to any country in the group without the necessity of obtaining validated licenses. All foreign destinations (except Canada which is referred to as an individual destination) are set up in six country groupings bearing the symbols T, V, W, X, Y, and Z. Country group T comprises the Western Hemisphere excluding Cuba and is the area

to which the least controls are applied; group Z comprises Communist China, North Korea, North Vietnam, Cuba, and the Pacific region of the U.S.S.R. and is the area to which the most stringent controls are applied. Group W includes Poland and Rumania; group X is Hong Kong and Macao; group Y contains the Eastern European countries; and group V comprises all other countries not in any other country group.

Most exports to the U.S.S.R. and other Eastern European countries must be specifically authorized by a validated license, although a number of nonstrategic goods may be exported under general license. With respect to Poland and Rumania however trade has been significantly freed and in the area of nonstrategic goods controls are essentially the same as to the free world areas.

For those commodities requiring a specific validated license, the license is granted only when it is determined that the export would be consistent with the national security and foreign policy taking into consideration the particular item, the quantity, and use to which it will be put in the country of destination.

The act gives the President wide discretion to limit, restrict, or prohibit entirely exports to any person or to any nation of any or all commodities or articles, including technical data whether or not, and to whatever extent they are of military, industrial, or economic significance, if limitation, restriction, or prohibition is found to be in the interest of our national security or our foreign policy or necessary because of domestic shortages. The act is not limited to strategic materials or to critical material or to essential commodities. It will support a total embargo or the mildest of restrictions. The requirements of foreign policy, national security, and domestic shortages are the only tests.

ENFORCEMENT AND COMPLIANCE

The Department of Commerce has undertaken an extensive program to enforce the act and regulations issued under it. Both civil and criminal penalties as well as administrative remedial sanctions have been invoked against violators of the regulations. Under the act, violators may be punished by fine and imprisonment. Under the regulations, provision has been made for denying U.S. export privileges to American and foreign countries and individuals pursuant to administrative compliance proceedings instituted in connection with violations of the export regulations. In addition, the customs collectors have authority to seize and have forfeited goods being exported contrary to the export regulations. For example, during the past 3 years, 94 temporary indefinite and final export denial orders were issued against more than 253 American and foreign individuals and companies for various kinds of violations of the export regulations, including 86 orders involving actual or attempted transshipments to the Sino-Soviet bloc or Cuba. During the past 3 years, 1,129 seizures were made by the Bureau of Customs involving U.S. goods valued at more than \$2,257,864. A detailed review of the enforcement program during the past 3 years was supplied by the Commerce Department to the committee.

HISTORY OF LEGISLATION

Three bills were introduced in the Senate regarding the Export Control Act of 1949. The administration bill, S. 1332, introduced by Senator Robertson, by request, on March 1, 1965; S. 948, a bill introduced by Senator Williams of New Jersey, for himself and others, on February 2, 1965, pertaining to boycotts; and S. 1896, a bill introduced by Senator Hartke on May 4, 1965, pertaining to export control of black walnut logs.

Hearings were held on S. 948 on May 24 and 25, 1965, by the Subcommittee on International Finance. Testimony was received by the Honorable George W. Ball, Under Secretary of State, and Hon. John T. Connor, Secretary of Commerce. Statements were received from Senator Jacob K. Javits, of New York, and Senator Claiborne Pell, of Rhode Island, and Congressman James Roosevelt, of California, and Senator Williams of New Jersey. The sponsor of S. 948, urged its adoption. The committee also received testimony and statements from a number of private businesses. These hearings were made available to the committee in connection with its consideration of H.R. 7105.

Hearings were held by the full Committee on Banking and Currency on S. 1896 and H.R. 7105, the House-passed bill to amend and extend the Export Control Act of 1949, on June 16, 1965. At those hearings the committee received testimony from Senator Hartke in support of his bill, S. 1896. The committee also received statements from Senator Dirksen, Senator Ervin, and Senator Miller in support of S. 1896; and statements from Senator Randolph and Senator Brewster in opposition to S. 1896. In addition, the committee received testimony from the Honorable John T. Connor, Secretary of Commerce, on H.R. 7105. Private witnesses also testified on H.R. 7105 and S. 1896.

Senator McGovern testified before the committee requesting an amendment to section 3(c) of the Export Control Act of 1949 to eliminate the requirement that 50 percent of wheat sales from the United States be exported in domestic bottoms. The committee was asked to add the following phrase at the end of section 3(c) of the Export Control Act of 1949:

The authority to control agricultural products in relation to clause (b) and clause (c) of section 2 shall not be used to impose cargo preference regulations, or to otherwise impede commercial sales of agricultural commodities except by denial of authority to export if such export is found contrary to our best interests under such clauses.

The requirement that wheat be shipped in American bottoms is imposed by the Secretary of Commerce by regulation; it is not required by statute; and it may be removed or modified by regulation. Accordingly, no amendment to the statute is necessary.

The Secretary of Commerce testified that he is making a thorough review of the problems of American shipping, including particularly requirements of this sort for shipment in American bottoms. The committee expects the Secretary to consider the problem raised by Senator McGovern's proposed amendment, from the point of view of its possible adverse effects on American agriculture and American wheat farmers, from the point of view of its effects upon American

shipping, and also from its relation to the policies and objectives of the Export Control Act.

During the hearings the Secretary of Commerce testified that he had received a letter from members of the Senate Committee on Commerce requesting that he restudy his decision to remove export control on black walnut logs. He assured the committee that he would comply with this request.

The Senate Banking and Currency Committee voted to report H.R. 7105 favorably to the Senate, without amendments, on June 22, 1965.

EXTENSION OF THE ACT

June 30, 1965, is the date on which the President's authority to regulate exports under the Export Control Act is scheduled to expire under existing law. The bill changes that date to June 30, 1969, but does not change the provisions of existing law for the termination of authority under the act on any prior date which may be designated by the President or by concurrent resolution of the Congress.

CIVIL PENALTY PROVISIONS

Section 2 of the bill amends section 5 of the act to authorize the administrative imposition of a civil penalty not exceeding \$1,000 for any violation of the act or any regulation, order, or license issued under it. The bill differs from the bill originally proposed by the Department of Commerce in two major respects. First, the Commerce Department bill would have left to legal implication the power to collect a fine by means of the administrative sanction of withholding or suspending export licenses or privileges until the fine is paid. Under existing law, licenses may be revoked for any infraction, and the imposition of a fine would normally be a milder sanction. However, the legal power to confront an offender with the alternatives of either paying the monetary penalty or losing his license is too important a feature of the statutory scheme to be left to implication. It is also desirable to limit to a maximum of 1 year the period for which export privileges may be withheld as a means of collecting a penalty. The monetary penalties authorized by this bill are not intended to deal with serious and flagrant violations.

The other major change from the original proposal in the civil penalty provisions is to clarify the rights of persons who wish to contest in court the imposition of any such penalty. In the case of a person who does not pay the penalty, either voluntarily or to prevent the suspension of his export privileges, the bill provides that the Government may collect only by a civil action in which the court is to determine de novo all issues necessary to the establishment of liability. It is possible that the courts might have reached this result under the language of the originally proposed bill providing that the "amount of any penalty * * * shall be recoverable in a civil suit in the name of the United States," but this is by no means certain.

SUITS FOR REFUND BARRED

The practical utility of the power to impose a monetary penalty or suspension of license in the alternative might be seriously compromised if the offender could pay the fine in order to get his license

back and then, at his leisure, sue for refund of the fine under section 1346(a) of title 28. In order to preclude that possibility, the bill provides that no suit for refund may be brought in any court. The head of the department or agency concerned is given a discretionary power to refund penalties on the ground of a material error of fact or law.

The bill makes no change in existing law with respect to the scope and availability of judicial review of administrative action heretofore authorized under the Export Control Act. All the bill does with respect to judicial review is to specify the duty of the court to make a de novo determination of liability in any action brought to collect the proposed new civil monetary penalty.

The bill contains provisions disclaiming any legislative intention to limit the availability of other administrative remedies, the authority to compromise and settle administrative proceedings, or the authority to compromise, remit, or mitigate seizures and forfeitures pursuant to an act relating to the illegal exportation of war materials (22 U.S.C. 401).

FIVE-YEAR STATUTE OF LIMITATIONS

The bill does not prescribe any period following an offense within which the civil penalty must be imposed. It is intended that the general 5-year limitation imposed by section 2462 of title 28 shall govern. Under that section, the time is reckoned from the commission of the act giving rise to the liability, and not from the time of imposition of the penalty, and it is applicable to administrative as well as judicial proceedings.

DECLARATION OF POLICY

BOYCOTTS

Section 3 of the bill would add a new paragraph to the declaration of policy stating that it is the policy of the United States:

(A) To oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States and (B) to encourage and request domestic concerns engaged in the export of articles, materials, supplies, or information, to refuse to take any action, including the furnishing of information or the signing of agreements which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against another country friendly to the United States.

Subsection 4 (d) and (c) of the bill would provide that rules and regulations to implement the new policy must be issued within 90 days.

The new provision requires the President to issue regulations regarding this matter. At the same time it leaves in the President necessary discretion as to the type and terms and scope of these regulations. In view of the President's constitutional role in the field for foreign policy, it is, of course, appropriate to continue in him the administrative flexibility which has marked the Export Control Act of 1949 and its predecessors over the past 25 years.

SCOPE OF AUTHORITY

INFORMATION

The Export Control Act now authorizes the President, in order to effectuate the policies set forth in the act, to prohibit or curtail the exportation from the United States of "any articles, materials, or supplies, including technical data." The bill would broaden this authority to cover "any articles, materials, or supplies, including technical data or any other information."

The term "information" is added in connection with the new policy provision relating to boycotts, since controls over furnishing of information may be deemed appropriate as a part of the regulations issued in connection with this new policy provision.

In issuing any regulations under this authority to regulate the exportation of information, the President should exercise great caution to prevent any encroachment on the basic freedoms, such as the sanctity of the mails, and the freedom of speech and the press guaranteed by the first amendment. Since the Export Control Act deals with trade and commerce, and since the authority conferred by this amendment will be exercised within the framework of the Export Control Act, restrictions on the exportation of information will relate to those areas, and not to the areas of knowledge essential to our democratic processes. Accordingly, the President should find it feasible to limit any regulations he may issue in this field to matters clearly involving no constitutional issues.

The authority given to the Congress to terminate the Export Control Act by concurrent resolution, which would not require Presidential approval, would serve as an additional safeguard against any regulations which might encroach on the freedom of the press or other constitutional freedoms.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

THE EXPORT CONTROL ACT OF 1949 (50 U.S.C. APP. 2021-2032)

AN ACT To provide for continuation of authority for the regulation of exports,
and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Export Control Act of 1949".

FINDINGS

(a) Certain materials continue in short supply at home and abroad so that the quantity of United States exports and their distribution among importing countries affect the welfare of the domestic economy and have an important bearing upon the fulfillment of the foreign policy of the United States.

(b) The unrestricted export of materials without regard to their potential military and economic significance may adversely affect the national security of the United States.

DECLARATION OF POLICY

SEC. 2. (1) The Congress hereby declares that it is the policy of the United States to use export controls to the extent necessary [(a)] (A) to protect the domestic economy from the excessive drain of scarce materials and to reduce the inflationary impact of abnormal foreign demand; [(b)] (B) to further the foreign policy of the United States and to aid in fulfilling its international responsibilities; and [(c)] (C) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States.

(2) The Congress further declares that it is the policy of the United States to formulate, reformulate, and apply such controls to the maximum extent possible in cooperation with all nations with which the United States has defense treaty commitments, and to formulate a unified commercial and trading policy to be observed by the non-Communist-dominated nations or areas in their dealings with the Communist-dominated nations.

(3) The Congress further declares that it is the policy of the United States to use its economic resources and advantages in trade with Communist-dominated nations to further the national security and foreign policy objectives of the United States.

(4) *The Congress further declares that it is the policy of the United States (A) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States and (B) to encourage and request domestic concerns engaged in the export of articles, materials, supplies, or information, to refuse to take any action, including the furnishing of information or the signing of agreements which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against another country friendly to the United States.*

AUTHORITY

SEC. 3. (a) To effectuate the policies set forth in section 2 hereof the President may prohibit or curtail the exportation from the United States, its Territories, and possessions, of any articles, materials, or supplies, including technical data [.] or any other information, except under such rules and regulations as he shall prescribe. To the extent necessary to achieve effective enforcement of this Act, such rules and regulations may apply to the financing, transporting, and other servicing of exports and the participation therein by any person. Such rules and regulations shall provide for denial of any request or application for authority to export articles, materials, or supplies, including technical data [.] or any other information, from the United States, its territories and possessions, to any nation or combination of nations threatening the national security of the United States if the President shall determine that such export makes a significant contribution to the military or economic potential of such nation or nations which would prove detrimental to the national security and welfare of the United States.

(b) The President may delegate the power, authority, and discretion conferred upon him by this Act, to such departments, agencies, or officials of the Government as he may deem appropriate.

(c) The authority conferred by this section shall not be exercised with respect to any agricultural commodity, including fats and oils, during any period for which the supply of such commodity is determined by the Secretary of Agriculture to be in excess of the requirements of the domestic economy, except to the extent required to effectuate the policies set forth in [clause (b) or clause (c) of section 2 hereof] *section 2(1)(B) or 2(1)(C) of this Act. Such rules and regulations shall implement the provisions of section 2(4) of this Act.*¹

CONSULTATION AND STANDARDS

SEC. 4. (a) In determining [which articles, materials, or supplies] *what* shall be controlled hereunder, and in determining the extent to which exports [thereof] shall be limited, any department, agency, or official making these determinations shall seek information and advice from the several executive departments and independent agencies concerned with aspects of our domestic and foreign policies and operations having an important bearing on exports.

(b) In authorizing exports, full utilization of private competitive trade channels shall be encouraged insofar as practicable, giving consideration to the interests of small business, merchant exporters as well as producers, and established and new exporters, and provisions shall be made for representative trade consultation to that end. In addition, there may be applied such other standards or criteria as may be deemed necessary by the head of such department or agency, or official to carry out the policies of this Act.

VIOLATIONS

SEC. 5. (a) Except as provided in subsection (b) of this section, in case of any violation of any provision of this Act or any regulation, order, or license issued hereunder, the violator or violators, upon conviction, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. For a second or subsequent offense, the offender shall be punished by a fine of not more than three times the value of the exports involved or \$20,000, whichever is greater, or by imprisonment for not more than five years, or by both such fine and imprisonment.

(b) Whoever willfully exports [any material] *anything* contrary to any provision of this Act or any regulation, order, or license issued hereunder, with knowledge that such exports will be used for the benefit of any Communist-dominated nation, shall be punished by a fine of not more than five times the value of the exports involved or \$20,000, whichever is greater, or by imprisonment for not more than five years, or by both such fine and imprisonment.

(c) *The head of any department or agency exercising any functions under this Act, or any officer or employee of such department or agency specifically designated by the head thereof, may impose a civil penalty not to exceed \$1,000 for each violation of this Act or any regulation, order,*

¹ (e) *Rules and regulations required to be promulgated pursuant to the amendment made by subsection (d) of this section shall be promulgated as expeditiously as practicable, and shall be published in the Federal Register within ninety days after the date of enactment of this Act. (Sec. 4(e) of H.R. 7105 not codified as a part of the Export Control Act of 1949.)*

or license issued under this Act, either in addition to or in lieu of any other liability or penalty which may be imposed.

(d) The payment of any penalty imposed pursuant to subsection (c) may be made a condition, for a period not exceeding one year after the imposition of such penalty, to the granting, restoration, or continuing validity of any export license, permission, or privilege granted or to be granted to the person upon whom such penalty is imposed.

(e) Any amount paid in satisfaction of any penalty imposed pursuant to subsection (c) shall be covered into the Treasury as a miscellaneous receipt. The head of the department or agency concerned may, in his discretion, refund any such penalty, within two years after payment, on the ground of a material error of fact or law in the imposition. Notwithstanding section 1346(a) of title 28 of the United States Code, no action for the refund of any such penalty may be maintained in any court.

(f) In the event of the failure of any person to pay a penalty imposed pursuant to subsection (c), a civil action for the recovery thereof may, in the discretion of the head of the department or agency concerned, be brought in the name of the United States. In any such action, the court shall determine de novo all issues necessary to the establishment of liability. Except as provided in this subsection and in subsection (d), no such liability shall be asserted, claimed, or recovered upon by the United States in any way unless it has previously been reduced to judgment.

(g) Nothing in subsection (c), (d), or (f) shall limit—

(1) the availability of other administrative or judicial remedies with respect to violations of this Act or any regulation, order, or license issued under this Act,

(2) the authority to compromise and settle administrative proceedings brought with respect to violations of this Act or any regulation, order, or license issued under this Act, or

(3) the authority to compromise, remit, or mitigate seizures and forfeitures pursuant to section 1(b) of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)).

ENFORCEMENT

SEC. 6. (a) To the extent necessary or appropriate to the enforcement of this Act, the head of any department or agency exercising any functions hereunder (and officers or employees of such department or agency specifically designated by the head thereof) may make such investigations and obtain such information from, require such reports or the keeping of such records by, make such inspection of the books, records, and other writings, premises, or property of, and take the sworn testimony of, any person. In addition, such officers or employees may administer oaths or affirmations, and may by subpoena require any person to appear and testify or to appear and produce books, records, and other writings, or both, and in case of contumacy by, or refusal to obey a subpoena issued to, any such person, the district court of the United States for any district in which such person is found or resides or transacts business, upon application, and after notice to any such person and hearing shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce books, records, and other writings, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) No person shall be excused from complying with any requirements under this section because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 (27 Stat. 443), shall apply with respect to any individual who specifically claims such privilege.

(c) No department, agency, or official exercising any functions under this Act shall publish or disclose information obtained hereunder which is deemed confidential or with reference to which a request for confidential treatment is made by the person furnishing such information unless the head of such department or agency determines that the withholding thereof is contrary to the national interest.

EXEMPTION FROM ADMINISTRATIVE PROCEDURE ACT

SEC. 7. The functions exercised under this Act shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237), except as to the requirements of section 3 thereof.

QUARTERLY REPORT

SEC. 8. The head of any department or agency, or official exercising any functions under this Act shall make a quarterly report, within forty-five days after each quarter, to the President and to the Congress of his operations hereunder.

DEFINITION

SEC. 9. The term "person" as used herein shall include the singular and the plural and any individual, partnership, corporation, or other form of association, including any government or agency thereof.

EFFECT ON OTHER ACTS

SEC. 10. The Act of February 15, 1936 (49 Stat. 1140), relating to the licensing of exports of tin-plate scrap, is hereby superseded; but nothing contained in this Act shall be construed to modify, repeal, supersede, or otherwise affect the provisions of any other laws authorizing control over exports of any commodity.

EFFECTIVE DATE

SEC. 11. This Act shall take effect February 28, 1949, upon the expiration of section 6 of the Act of July 2, 1940 (54 Stat. 714), as amended. All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under said section 6 of the Act of July 2, 1940, shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act.

TERMINATION DATE

SEC. 12. The authority granted herein shall terminate on June 30, [1965] 1969, or upon any prior date which the Congress by concurrent resolution or the President may designate.